

OCT 11 2000

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October 11, 2000

## BY HAND DELIVERY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
12th Street Lobby  
Counter TW-A325  
Washington, D.C. 20554

***Re: CC Docket No. 96-115, Telecommunications Carriers' Use of  
Customer Proprietary Network and Other Customer Information; CC  
Docket No. 96-98, Implementation of the Local Competition Provisions of  
the Telecommunications Act of 1996; CC Docket No. 99-273, Provision of  
Directory Listing Information Under the Telecommunications Act of 1934,  
As Amended***

**Notice of Ex Parte Communication**

Dear Ms. Salas:

On October 10, 2000, Lois Pines and the undersigned, counsel for InfoNXX, met with Dorothy Attwood, Chief; Yog Varma, Deputy Bureau Chief; Greg Cooke, Assistant Division Chief, Network Services Division; Jared Carlson, Legal Counsel to the Chief; and Dennis Johnson, Attorney Advisor, Network Services Division, all with the Common Carrier Bureau, regarding the above-captioned proceeding.

The attendees discussed issues in the Commission's rulemaking proceeding regarding access to directory listing information by independent directory assistance ("DA") providers. We observed that this proceeding to provide access to directory listing information is the next logical and necessary step given the Commission's decision in other proceedings to depend on competitive offerings of DA services. DA is an important component of a CLEC's service, and one way for CLECs to provide DA is through independent providers. However, for CLECs or independent providers to be able to offer DA of the same quality as ILEC DA, they must have access to ILEC directory listing databases, which contain as complete and accurate lists as possible. We pointed out that independent DA providers currently are at a competitive disadvantage because they have less accurate databases, which leads to longer response times for DA queries compared to

ILEC response times. We further discussed how the quality of a DA provider's database affects its performance in the marketplace and ultimately the quality of the competition it offers.

We also discussed possible pricing methods for directory listing information. It was noted that not only does § 251(b)(3) of the Communications Act of 1934, as amended, provide for nondiscriminatory rates, but also §§ 201(b) and 202(a) apply to ensure that rates are just and reasonable. We pointed to our July 26, 2000, filing in this proceeding to show that the rates independent DA providers pay to list brokers (for InfoNXX, an average royalty rate of \$0.015 per listing) and rates arrived at in state proceedings (for example, \$0.0083 per listing for electronic updates in New York and \$0.0011 per initial listing as a cost-based rate for Southwester Bell Telephone in a Texas proceeding) provide useful guideposts. The attendees also briefly discussed the scope and format of listings that independent DA providers would require.

In addition, the attendees discussed the proposal for 411 presubscription that Telegate injected into this proceeding. We explained that the Telegate proposal is ill-timed and ill-considered. In a competitive environment, 411 service should be one of a package of features that consumers purchase on an integrated basis from their local carrier of choice. In other words, when consumers choose a CLEC (or an ILEC), they choose a package of various features of telephone service offered by that company, including 411, E911, and call-forwarding. In turn, the CLEC may choose to self-provision DA service, buy it from a third party, or buy it from the ILEC. The Telegate proposal drives the evolution of the competitive market in a radically different direction.

The Telegate proposal also is ill-timed and represents the wrong answer to a question that no one is asking. There is no clamor for 411 presubscription; though there have been calls from the Congress and this Commission for more local telephone competition. Yet, just as the local telephone market is on the threshold of becoming competitive, Telegate proposes to divide the market in a way that increases consumer confusion and frustration. The far better model is found in the wireless industry. A wireless consumer can choose from a variety of carriers, and that choice necessarily entails accepting the 411 service (and long-distance carrier, for that matter) offered by a carrier. Although Telegate focuses on ILEC control of the 411 dialing code and is sensible enough not to propose 411 presubscription for the wireless industry, it ignores the logical power of the wireless model for provision of a package of services associated with basic voice communications.

In addition, we explained that there are significant implementation issues that have been raised in comments addressed to Telegate's proposal. One implementation issue not discussed would be the substantial job impact on the provision of DA service by the Bell companies and other ILECs.

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Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office and a copy is being submitted each to Dorothy Attwood, Yog Varma, Greg Cooke, Jared Carlson, and Dennis Johnson. Please direct any questions regarding this notice to the undersigned.

Sincerely,



Gerard J. Waldron

Russell D. Jessee

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cc: Ms. Dorothy Attwood  
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Mr. Greg Cooke  
Mr. Jared Carlson  
Mr. Dennis Johnson